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February 3, 2014

**BY ECF**

Hon. Dora L. Irizarry  
U.S. District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *United States ex rel. Rold v. Raff & Becker LLP*,  
11-cv-6374 (DLI)

Dear Judge Irizarry:

This office represents the State of New York, a defendant and putative qui tam plaintiff in the above-captioned case. I write to oppose the application for a certificate of default filed by relator William J. Rold, ECF No. 95.

The time for the State to respond to the amended complaint has not yet passed. Although the State was served on December 31, 2013, *see* ECF No. 93, Magistrate Judge Pohorelsky set the deadline for the defendants to file motions to dismiss as **February 10, 2014**. *See* Minute Entry for Status Conference of Dec. 19, 2013, ECF No. 86 (“The defendants advise that they intend to file motions to dismiss. All such motions are to be filed by February 10, 2014.”). Because that date has not yet passed, the State is not in default. The application for a certificate of default should therefore be denied.

We are preparing a motion to dismiss; we plan to file it by February 10, 2014.

Thank you for your time and attention to this matter.

Respectfully,

/s/

Garrett Coyle  
Assistant Attorney General

cc (by ECF): All counsel